

567—218.11(455D) Procedure for use of abatement fund at a permitted waste tire processing site. This rule defines the procedure for the use of the abatement fund described in subrule 218.8(2). The department may determine that abatement funds should be made available to abate a nuisance that has caused a permittee of a waste tire processing site to be in noncompliance with the conditions of the facility's permit. In such cases the extent of the abatement would be only to process or remove a quantity of waste tires sufficient to mitigate the conditions that caused the site to be in noncompliance.

218.11(1) A contract providing financial assistance for abating a nuisance at a permitted waste tire processing site may be entered into between the department and the permittee if the following conditions are met:

- a.* The site ranks relatively high in the nuisance criteria described in subrule 218.9(2).
- b.* The permittee submits to the department a compliance plan that shall include:
 - (1) A detailed description of the specific issues and circumstances that have caused the permittee to be in noncompliance;
 - (2) A detailed description of the permittee's proposed actions, including how the tires will be processed and removed to a site or sites of end use;
 - (3) A description of the site or sites of end use that will be used;
 - (4) A time schedule for processing and removing the waste tires which includes specific milestones;
 - (5) An estimate of the net cost of processing and removing waste tires to a site or sites of end use, by utilizing the most cost-effective alternative. This estimate must be documented. The department may require the permittee to include three bids competitively obtained from responsible contractors for the proposed abatement action.
- c.* The plan receives approval from the department.

218.11(2) Financial assistance provided through the contract may be in the form of a grant equal to a percentage of the total funding needed to complete the project, a zero interest loan for total or partial funding of the project, or a combination of the two. Terms of payment or repayment shall be specified in the contract. Final payment to the permittee shall be withheld until the department's final inspection and confirmation that the nuisance abatement has been completed in accordance with the approved compliance plan and, if appropriate, until the department receives written documentation satisfactory to the department that the permittee's share of the costs has been paid. In determining the type and amount of financial assistance to provide to the permittee, the department shall consider the cost recovery factors described in subrule 218.12(3).

218.11(3) A permittee may receive financial assistance through the waste tire stockpile abatement program for no more than one project.